UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,410	08/01/2003	Christopher J. Dyl	19815-014001	4381

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EXAMINER
SALL, EL HADJI MALICK

ART UNIT	PAPER NUMBER
2157	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/632,410	DYL, CHRISTOPHER J.
	Examiner	Art Unit	
	El Hadji M. Sall	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the amendment filed on August 17, 2007. Claims 1-

20 are amended. Claims 1-20 are pending. Claims 1-20 represent efficient method for

providing game content to a client.

2.   *Claim Rejections - 35 USC § 102*

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent

by another filed in the United States before the invention thereof by the applicant

for patent, or on an international application by another who has fulfilled the

requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before

the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by

Poulin U.S. 20030008712.

        Poulin teaches the invention as claimed including system and method for

distributing a multi-client game/application over a communication network (see

abstract).

        As to claims 1 and 8, Poulin teaches a method for efficiently transmitting to a

client a content update, the method comprising the steps of:

        a) hosting for transmission a content update having a plurality of data files

(paragraph [0010]);

        b) identifying a subset of the plurality of data files as high-quality data files

(paragraph [0030]; paragraph [0038]);

        c) creating a high-quality content update that includes the identified high-quality

data files (paragraphs [0037]-[0038]);

        d) receiving a client connection request (paragraph [0048]);

        e) determining that high-quality data files are to be transmitted to the client

(paragraph [0010]);

        f) transmitting the high quality data files from the high-quality content update

(paragraph [0025]); and

g) transmitting the remaining data files in the content update (paragraphs [0038]-[0039]).

As to claims 2 and 9, Poulin teaches the method of claims 1 and 8, wherein step a) comprises storing, on a network storage device, a content update having a plurality of data files (paragraph [0025]).

As to claims 3 and 10, Poulin teaches the method of claims 1 and 8, wherein step b) comprises using a data quality function to identify a subset of the plurality of data files contained in the content update as high-quality data files (paragraph [0010]).

As to claims 4 and 11, Poulin teaches the method of claims 3 and 9, wherein the plurality of data files contained in the content update are sorted by data quality, and wherein a certain fixed percentage of the highest quality data components are separated as high-quality data files (paragraph [0030]).

As to claims 5 and 12, Poulin teaches the method of claims 3 and 9 wherein the data quality function yields a data quality that is a function of the sizes of the plurality of data files (paragraph [0046]).

As to claims 6 and 13, Poulin teaches the method of claims 1 and 8, further

comprising the step of removing the high-quality data files from the content update

(paragraph [0025]).

As to claims 7 and 14, Poulin teaches the method of claims 1 and 8, wherein

step e) comprises determining that the received request includes a bit value indicating

high-quality files should be transferred (paragraph [0048]).

As to claim 15, Poulin teaches a computer based content updating apparatus

comprising:

a non-volatile memory element storing a content update having a plurality of data

files (figure 1);

a processor in electrical communication with the non-volatile memory element for

identifying a subset of the data files in the content update as high-quality data files,

separating the high-quality data files from the content update, and storing in the non-

volatile memory element a high-quality content update that includes the separated high-

quality data files (figure 1; paragraph [0021]); and

a transceiver in electrical communication with the non-volatile memory element

and the processor, the transceiver receiving a connection request from a remote client

on a network (paragraph [0048]);

wherein the processor determines that high-quality data files are to be

transmitted to the client and the transceiver transmits data files from the high-quality

content update and the remaining data files from the content update (paragraph [0025];

paragraphs [0038]-[0039]).

As to claim 16, Poulin teaches the apparatus of claim 15, wherein, using a data

quality function, the processor identifies a subset of the plurality of data files as high-

quality data files (paragraph [0010])

As to claim 17, Poulin teaches the apparatus of claim 15, wherein, using a data

quality function, the processor removes the high-quality data files from the content

update (paragraph [0025]).

As to claim 18, Poulin teaches the apparatus of claim 15, wherein the connection

request from a remote client received by the transceiver includes a bit value indicating

high-quality files should be transferred (paragraph [0048]).

As to claim 19, Poulin teaches the apparatus of claim 15, wherein the non-

volatile memory element comprises a network storage device (paragraph [0021]).

As to claim 20, Poulin teaches the apparatus of claim 15, wherein the non-

volatile memory element is associated with a first computer, the processor is associated

with a second computer, the transceiver is associated with a third computer, and the

first computer, second computer, and third computer are in electrical connection with

each other over a network (figure 1).

4.   *Response to Arguments*

Applicant's arguments filed 08/17/07 have been fully considered but they are not

persuasive.

(A)   Applicant argues that Poulin has absolutely nothing to do with delivering

content files used by a client objects such as bunnies or dragon.

In regards to the point (A), Examiner respectfully disagrees.

Such limitation is not in the claims.

(B)   Applicant argues that the "data sets" described in Poulin are not "content"

as that term is understood by one of ordinary skill in the art. The "data sets" is Poulin

contain "information about each one of the clients," i.e. state information. They do not

contain information needed to draw content, such as bunnies or dragons. Therefore,

these datasets, which contain no "content" cannot possibly form a "content update" as

required by claim 1.

In regards to the point (B), Examiner respectfully disagrees.

In paragraph [0010], Poulin discloses the server maintaining a plurality of **data

sets having information** (i.e. it may be helpful to view information the way it is

structured and used, namely: data, text, spreadsheets, pictures, voice and video. Data are discretely defined fields. Text is a collection of words. Spreadsheets are data in matrix (row and column) form. Pictures are lists of vectors or frames of bits. Voice is a continuous stream of sound waves. Video is a sequence of image frames (see www.answers.com), or "content data") about each one of clients. The server **transmitting to the first client the data sets** (i.e. "updated content") associated with a predetermined number of the other clients that are interacting wit the first client.

(C)   Applicant argues that it is unclear exactly what the Examiner regards as being "high quality" or "low quality".

In regards to the point (C), Examiner respectfully disagrees.

Limitation such as "low quality" is not in the claims.

In paragraph [0038], Poulin discloses ...the server operably transmits either the full information or the subset (i.e. "high quality") of data associated with the interacting clients and/or objects...

(D)   Applicant argues that there is no discussion of actually removing these data files from the set of data files, so that they are no longer part of that set.

In regards to the point (D), Examiner respectfully disagrees.

In paragraph [0025], Poulin discloses ...transferring updates to each client when required (i.e. inherently replacing and "removing data files"...

(E)   Applicant argues that it is not clear what text in Poulin's paragraph 10 might possibly correspond to using a "data quality function".

In regards to the point (E), Examiner respectfully disagrees.

In paragraph [0010], Poulin discloses data sets having information about each one of clients (i.e. "data quality function").

(F)   Applicant argues that he is unable to determine exactly what relevance this passage has to claim 5 beyond the fact that a text search for the work "sizes" would have drawn attention to the above paragraph.

In regards to the point (F), Examiner respectfully disagrees.

In paragraph [0046], Poulin discloses ...the volumes and servers are identified as volumes A-I. The volumes A-I may be different sizes and shapes, and each volume represents a geographic region within the game (i.e. "data function is based on the sizes of the plurality of data files").

(G)   Applicant argues there is no distinction between high-quality files and low-quality files. The Poulin "transfer request" is intended to transfer all client data from one server to another.

In regards to the point (G), Examiner respectfully disagrees.

Such arguments were addressed in the above points.

5.   *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

Examiner has cited particular columns and line numbers in the references

applied to the claims above for the convenience of the applicant. Although the specified

citations are representative of the teachings of the art and are applied to specific

limitations within the individual claim, other passages and figures may apply as well. It

is respectfully requested from the applicant in preparing responses, to fully consider the

references in entirety as potentially teaching all or part of the claimed invention, as well

as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to

indicate the portion(s) of the specification which dictate(s) the structure relied on for

proper interpretation and also to verify and ascertain the metes and bounds of the

claimed invention.

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall
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